

EXHIBIT 3

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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN JOSE

12 CISCO SYSTEMS, INC.,

13 Plaintiff,

14 v.

15 ARISTA NETWORKS, INC.,

16 Defendant.
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Case No. 5:14-cv-05344-BLF

**DEFENDANT ARISTA NETWORKS,
INC.'S PRELIMINARY ELECTION OF
ASSERTED PRIOR ART**

Date Filed: December 5, 2014

Trial Date: August 1, 2016

Defendant Arista Networks, Inc. (“Arista”) elects to assert the following eighteen prior art references against U.S. Patent Nos. 7,047,526 (“’526 Patent”) and 7,953,886 (“’886 Patent”).

’526 Patent

1. U.S. Patent No. 5,832,224 (Fehskens)
2. U.S. Patent No. 6,286,035 (Gillis)
3. U.S. Patent No. 6,523,172 (Martinez-Guerra)
4. U.S. Patent No. 6,724,408 (Chen)
5. 3Com HomeConnect ADSL Modem Ethernet, and associated references¹
6. 3Com SuperStack II, and associated references
7. Cisco Systems IOS Release 12, and associated references
8. TOPS-20 Operating System and Software, and associated references
9. Lucent Technologies Avaya Definity Audix System Release 4.0, and associated references
10. Juniper Networks Junos Release 4.0, and associated references

’886 Patent

1. U.S. Patent No. 7,155,496 (“Froyd”)
2. U.S. Patent No. 7,200,548 (“Courtney”) (including documents incorporated by reference therein)²
3. U.S. Patent No. 8,296,400 (“Gorthy”) (including documents incorporated by reference therein)
4. Lee et al., X-CLI: CLI-Based Management Architecture Using XML
5. Lee, CLI-Based Mediation Mechanism Using XML for Configuration Management
6. U.S. Patent Application No. 2002/0191619 (Shafer)

¹ For the purposes of this Election, a prior art instrumentality and associated references that describe that instrumentality shall count as one reference. *See* Federal Circuit Advisory Council, Model Order Limiting Excess Patent Claims and Prior Art, at 1 n.2 (July 26, 2013).

² Courtney expressly incorporates by reference U.S. Patent Application No. 09/942,834, which matured into U.S. Patent No. 8,296,400 (“Gorthy”). Thus, Courtney and Gorthy are in reality one reference, not two. However, out of an abundance of caution, Arista identifies Courtney and Gorthy separately here for the purposes of its preliminary election of asserted prior art.

- 1 7. Menten, Experiences in the Application of XML for Device Management
- 2 8. Juniper Networks JunoScript API, and associated references

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5 Dated: November 18, 2015

KEKER & VAN NEST LLP

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7 By: /s/ David J. Silbert
8 DAVID J. SILBERT

9 Attorney for Defendant ARISTA
10 NETWORKS, INC.
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PROOF OF SERVICE

I am employed in the City and County of San Francisco, State of California in the office of a member of the bar of this court at whose direction the following service was made. I am over the age of eighteen years and not a party to the within action. My business address is Keker & Van Nest LLP, 633 Battery Street, San Francisco, CA 94111-1809.

On November 18, 2015, I served the following document(s):

**DEFENDANT ARISTA NETWORK, INC.'S PRELIMINARY ELECTION
OF ASSERTED PRIOR ART**

☒ by **E-MAIL VIA PDF FILE**, by transmitting on this date via e-mail a true and correct copy scanned into an electronic file in Adobe "pdf" format. The transmission was reported as complete and without error.

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1 Executed on November 18, 2015, at San Francisco, California.

2 I declare under penalty of perjury under the laws of the State of California that the above is true
3 and correct.

4 /s/ David J. Rosen

5 David J. Rosen